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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/926,008	09/09/97	FUJIWARA	T 503-35636X00

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EXAMINER

SWARTHOUT, B

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

06/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

926,008

Applicant(s)

Fujiwara et al.

Examiner

Swarthout

Group Art Unit

2632

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 2-28-01
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 5-52 is/are pending in the application.
- Of the above claim(s) 5-48 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 49-52 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. The disclosure is objected to because of the following informalities: in claim 50, line 5 "for" is misspelled.

Appropriate correction is required.

2. Claims 5-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 23.

3. Applicant's election with traverse of claims 49-52 in Paper No. 23 is acknowledged. The traversal is on the ground(s) that separate classification, separate status in the art or different search have not been shown, and that no undue burden exists. This is not found persuasive because claims 22-28 have a different search area.

Claims 5-21 and 29-46 although searched at least partially in the same area, have separate status in the art due to requirement for outside data reception and retrieval range setting. Claims 47-48 have separate status since no icon is required for display of facilities, which leads to need for searching different references than those required for claims 49-52. Proper search for an invention classified in class 340, subclass 995 would have also entailed searches in 340/905, 990,

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988 and class 701/208, 211, 213. Total references in these areas exceeds 2000, which would have placed a serious burden on the examiner to ensure that none of the multiple inventions were disclosed by the prior art.

The requirement is still deemed proper and is therefore made FINAL.

4. Claims 1-4 were canceled in the amendment filed 10-14-99. Since claims 49-52 which were newly added in the same amendment disclose the same subject matter as claims 1-4, only claims 49-52 remain in the application for examination.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prabhakaran.

Prabhakaran discloses a navigation display system for displaying a specified location on a map, comprising map storage device 400, map display 530, retrieval condition setting means (Fig. 10; col. 14, lines 18-27), icon display means 530 including

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display of icon shape and position, and means for communicating icon data to the display.

The display arrangement disclosed in Fig. 4 including icon manager 310, display manager 370 and landmark file 440 would have performed an equivalent communication function to a communication equipment for transmitting retrieval condition to an information offering equivalent, since they facilitate the icon retrieval request by forwarding position and shape of selected icon to display 530.

Regarding claims 51-52, Prabhakaran discloses desirability of placing vehicle position at center of a map (col. 13, lines 14-16).

Choosing to retrieve a destination icon to a central map portion would have been an obvious matter of engineering choice, merely depending on whether a user preferred to highlight present position or destination.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent Swarthout whose telephone number is (703) 305-4383. The examiner can normally be reached on Monday-Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be

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reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

BS/ayc

May 16, 2001

*B Swarthout*

**BRÉNT A. SWARTHOUT  
PRIMARY EXAMINER**